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SUBJECT: SUDAN: UPDATE ON THE HUMAN RIGHTS COMMISSION,
CONSTITUTIONAL REVIEW COMMISSION, AND CHILD LAWS

National Human Rights Commission

¶1. (SBU) Draft legislation for the CPA mandated National Human Rights Commission (NHRC) is, according to the European Commission, in the Presidency and should be forwarded to the Parliament soon. There have been multiple versions of the draft legislation and it is unclear which version was forwarded to the Presidency. The UN was unable to verify the status of the Commission's draft legislation. Under the proposed law, the Presidency approves the Commission's final budget. Critics charge that this compromises the independence of the Commission and want the National Assembly to approve the budget. A UN representative said that it was peculiar for the Presidency to approve the Commission's budget as it does not approve any other Commission's budget. Additionally, the SPLM has demanded that the NHRC investigate past crimes.

¶2. (SBU) In a May 21 donor country meeting, the European Commission representative stressed that the National Constitutional Review Commission (NCRC) did not draft the legislation as mandated by the CPA. The UN representative expressed concern over the selection process for members of the Commission, highlighting that the selection must follow Human Rights Law. The donors agreed to a joint meeting with the Advisory Council for Human Rights (ACHR) and the Chair of the NCRC to discuss concerns regarding the independence of the Commission and the process of drafting the NHRC legislation. The donors said they would provide financial assistance to the Commission if it is established according to the Paris Principles.

National Constitutional Review Commission

¶3. (SBU) On April 30, the Presidency announced the 60 members of the NCRC, however, it does not have a budget, office space or a secretariat. Observers note that the GNU is attempting to weaken the mandate of the NCRC and its ability to operate as illustrated by the GNU bypassing the Commission in drafting legislation for the CPA mandated Commissions.

Child Rights Law

¶4. (SBU) UNICEF is currently working with the GNU to reform child laws in accordance with UN Principles of Child Rights. The GNU National Council for Child Welfare (NCCW) created a committee to propose amendments to current child laws. The Committee is composed of lawyers from the military, the ACHR, UNICEF and the Ministries of Interior, Judiciary, Labor, Social Welfare. UNICEF is also pushing for Child Protection Units within the Police.

